

MODEL LETTER FOR USE TO ASSURE DUE PROCESS IN PROPOSED EMPLOYMENT
DISCIPLINE SITUATIONS
CERTIFIED LETTER - RETURN RECEIPT REQUESTED

Mr. Employee
Greenacre Road
_____, Mt.

Dear Mr. _____,

I have discovered that you may have engaged in the following activities (detail activities the employee may have engaged in).

The evidence I have reviewed concerning this matter consists of the following: (provide a brief complete list of the facts and evidence relating to the activities).

Your conduct violates (indicate which personnel rule, order or written standard of conduct the activity violates - if there is no rule, order or standard of conduct, indicate that the conduct was inappropriate)

Based on the foregoing, it appears that _____ disciplinary action may be warranted. You have a right to respond regarding this matter and the proposed discipline. You may present reasons and evidence, either orally or in writing, to me why the proposed actions should not be taken. Your reasons must be presented to me within _____ () working days of your receipt of this letter. In the event you fail to contact me by 5:00 pm on the _____ working day following your receipt of this letter, I will consider your failure as your waiver of the rights contained in this paragraph, and will make a decision based on the evidence I have before me.

(If the employee has been suspended for investigatory purposes, the letter should include a statement that the employee will remain suspended until the investigation is complete)(I suggest the suspension should be with pay)

Sincerely,

Manager

(I believe this letter will provide guidance for compliance with the latest Mt. Supreme Court decision (Mysse v. Rosebud County, 53 St. Rep. 1139 (1996))regarding "due process" in just cause situations. Mysse also requires a full post-termination hearing at a "meaningful time". After the period for response has passed, another letter should be written indicating what disciplinary action, if any, is being imposed. This letter should include a statement that the county grievance policy is enclosed and that the employee may use it to contest the disciplinary action. See Eadus v. Wheatland Co., 53 St. Rep. 1122(1996))

MACo/JPLA

JACK HOLSTROM
Personnel Services Administrator

1-800-471-6304